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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/588,443      | 06/06/2000  | Robert A. Law        | E-848               | 9187             |

919 7590 05/02/2003

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EXAMINER

JEANTY, ROMAIN

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3623

DATE MAILED: 05/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/588,443

Applicant(s)

LAW, ROBERT A.

Examiner

Romain Jeanty

Art Unit

3623

-- Th MAILING DATE of this communication appears on the cover sheet with th correspond nce address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: \_\_\_\_\_

Art Unit: 3623

### **DETAILED ACTION**

1. The following is a first Office Action in response to the application filed June 65, 2000. Claims 1-15 are pending in this application and have been examined on the merits as discussed below.

#### ***Specification***

2. The specification is objected to because of the following informalities:

a. The U.S. application numbers for the Cross References to Related Applications on page 1 are missing. Examiner suggests that applicant submit these cross references application numbers.

b. The specification is replete with grammatical and typographical errors. For instance, page 4 line 13 discloses because the message system are "well know". Examiner is assuming this phrase should read as --well known--. The specification has too many errors to be indicated individually. Examiner requests applicant's cooperation in reviewing the specification to correct these errors. See MPEP § 608.

### **Claim Rejections - 35 USC § 112**

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 5-6 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1, the claim recites processing respective messages and later identifying

Art Unit: 3623

selected transaction.. It is further noted that utility of the claim is an environment of Postage Metering. It is therefore confusing how the messages are related to the transaction.

As per claim 5, the word “may” renders the claim indefinite because it is unclear whether the limitation (s) following the phrase are part of the claimed invention. Appropriate correction is needed.

Claims 2-4, 7-10 and 12-15 depend on parent claims 1, 6 and 11 and therefore inherent the same deficiency as the parent claims.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 6, 11 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Storace (U.S. Patent No. 4,811,234) in view of Schumacher (U.S. Patent No. 5,058,030).

As per claims 1, 6, 11 Storace discloses a postage meter recharging system comprising:

A plurality of messaging system for processing respective messages intended for recipients (Figure 1 element 10);

a data center inoperative communication with the plurality of messaging systems for storing transaction data associated with each respective message (Figure 1 element 12; col. 2, lines 33-38, lines 61-68 and col. 3, lines 47-52);

Art Unit: 3623

a control system in operative communication with the data center for identifying selected transaction data from among the transaction data corresponding to a defined recipient (col. 5, lines 9-17);

Storace does not explicitly disclose generating a recipient profile of messages intended for the defined recipients that have been processed by the plurality of messaging systems.

Schumacker on the other hand, discloses the use of generating profile information about a publisher (col. 9, line 47 through col. 10, line 5). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have modified the disclosures of Storace to include the generating profile in the same conventional manner as disclosed by Schumacher. One having ordinary skill in the art would have been motivated to use such combination in order to reduce cost.

7. Claims 2-5, 7-10 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Storace in view of Schumacher as applied to claim 1 above and further in view of Cordery et al (U.S. Patent No. 6029137).

As per claims 2, 3, 5, 7, 8, 10, 12, 13 and 15, the combination of Storace and Schumacher teaches the limitations of claim 1 above. Neither Storace nor Schumacher teaches wherein the recipient profile includes segmentation information developed from the selected transaction data that organizes the messages intended or the defined recipient into categories. Cordery on the other hand, discloses the idea of segmentation (col. 8, lines 53-65). It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Storace and Schumacher to include segmentation in the same conventional manner as disclosed by Cordery. One having

Art Unit: 3623

ordinary skill in the art would have been motivated to use such modification in order to determine the destination for the a respective message.

As per claims 4, 9, and 14, Storace discloses the limitation of claim 1 above. In addition, Storace further discloses wherein the plurality of messaging systems are operated by respective senders, each respective sender has associated classification data indicating an industry segment that describes the respective sender's activities and the control system is further for using the sender classification data to store an indication in the recipient profile of types that originated the messages for the defined recipient (col. 3, line 45 through col. 4, line 14).

### **Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed Romain Jeanty whose telephone number is (703) 308-9585.

The examiner can normally be reached Monday-Thursday from 7:30 am to 6:00 pm. If attempts to reach the examiner are not successful, the examiner's supervisor, Tariq R Hafiz can be reached at (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C 20231 or faxed to:

Application/Control Number: 09/588,443

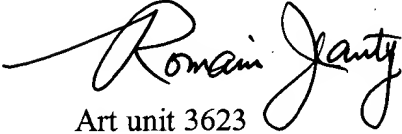
Page 6

Art Unit: 3623

(703) 305-7687.

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,  
Arlington VA, Seventh floor receptionist.

RJ



Art unit 3623

April 17, 2003